

EXHIBIT D

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTINE CLOVER and STEPHANIE
CORTES, et al.,

Plaintiffs,

SHIVA REALTY OF MULBERRY, INC.,
et al.,

Defendants.

DECLARATION
OF
LAURA S. SCHNELL
10 Civ. 1702 (RPP)

LAURA S. SCHNELL, an attorney admitted to practice law in State of New York and before this Court, declares pursuant to 28 U.S.C. §1746, under penalties of perjury that the following is true and correct:

1. I am a member of the firm of Eisenberg & Schnell LLP. This declaration is submitted in support of plaintiffs' fee application seeking attorney fees at the rate of \$500 per hour for Bruce Menken.
2. I received my J. D. from the University of Chicago Law School in 1983, and was admitted to the Bar of the State of New York in 1985. I am admitted to practice before the United States Circuit Court of Appeals for the Second Circuit and the United States District Courts for the Southern and Eastern Districts of New York. I served as a law clerk to the Honorable Jack B. Weinstein in the United States District Court for the Eastern District of New York from 1983 to 1984.
3. Since admission to the bar, my practice has been devoted to representation of employees or former employees in employment related litigation in the substantive areas of employment discrimination, sexual harassment, employment contracts, non-competition agreements, labor law and employee benefits.

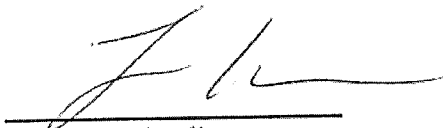
4. I have spoken at and submitted papers for numerous seminars on employment law related topics and specifically on employment dispute litigation and federal civil practice in employment litigation.

5. I have litigated numerous employment cases in both federal and state court.

6. Through my experience, I am familiar with the fee practices of attorneys practicing in the area of employment litigation. My present hourly rate ranges between \$500 and \$600 per hour. Many of my clients pay us these hourly rates. Our firm will also often take a case on contingency, or with a reduced hourly rate coupled with a contingency, after consideration of our client's economic resources, each time in anticipation of a statutory attorney fee award and/or a significant contingency fee, should we prevail.

7. I have known Bruce Menken for well over a decade. I have had occasion to discuss employment law and employment litigation issues with him and know him to be a conscientious, knowledgeable and experienced employment law practitioner. His request for an hourly rate of \$500 per hour is entirely reasonable and consistent with the hourly rates of employment law practitioners in New York City of comparable stature and experience.

8. I am not associated with any party in this action and have no financial interest in the outcome of this matter. I am not being paid for submission of this declaration.



Laura S. Schnell
Eisenberg & Schnell LLP
233 Broadway, Suite 2704
New York, New York 10279
(212) 966-8900

Dated: New York, New York
October 19, 2010

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHRISTINE CLOVER and STEPHANIE
CORTES, et al.,

Plaintiffs,

10 Civ. 1702 (RPP)

-against-

**DECLARATION OF DARNLEY
D. STEWART IN SUPPORT OF
PLAINTIFFS' MOTION FOR
FEES AND COSTS**

SHIVA REALTY OF MULBERRY, INC.,
et al.,

Defendants.

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DARNLEY D. STEWART, an attorney admitted to practice in the State of New York and this court, the United States District Court for the Southern District of New York, declares the following:

1. I am a partner of the law firm of Giskan Solotaroff Andersen & Stewart LLP ("GSAS") and I write in support of the attorneys' fee application submitted in the above captioned matter by plaintiffs' counsel, Beranbaum Menken LLP.
2. Like Beranbaum Menken LLP, my firm is a small plaintiff's employment law firm located in New York City. Our practice is devoted almost entirely to employment law where we represent working class, mid-level and executive level employees in individual and class action cases.
3. GSAS has seven attorneys, five partners and two associates. We regularly litigate individual and class action employment cases in New York and all around the country. Virtually all of GSAS's work is contingent fee employment law work and I am familiar with the prevailing

market rates charged by firms such as mine and Beranbaum Menken, which focus on employment law and wage and hour cases.

4. At GSAS, I have had the opportunity to work with a variety of law firms as co-counsel and opposing counsel in our civil rights and employment cases, including lawyers from major law firms and top civil rights and employment lawyers in New York City. I have become familiar both with the prevailing rates charged by these lawyers and the quality of their work. I have also had the opportunity to work with Bruce E. Menken, a partner and principal of Beranbaum Menken LLP. In fact, GSAS is presently co-counseling two cases with Beranbaum Menken (with Mr. Menken acting as lead counsel from his firm), one in the Middle District of Florida and the other in the Northern District of New York.

5. We specifically sought out Mr. Menken and his firm to work with us on the above cases because I believe Mr. Menken is a skilled wage and hour litigator. I have observed him in court and reviewed his written work and find both to be of high caliber.

6. I am informed that Beranbaum Menken's attorneys are making an application for fees in the amount of \$500 per hour for Mr. Menken and \$300 per hour for Jennifer L. Smith, a Beranbaum Menken associate. I have reviewed, and I am familiar with the qualifications of Mr. Menken and Ms. Smith. Given their excellent professional qualifications and market rates in the Southern District of New York, I believe their rates are justified. I set forth below my qualifications for the purpose of establishing why I believe these rates are reasonable and justified.

7. I am fully familiar with attorneys' fees applications and awards for employment discrimination and wage and hour cases in this Circuit. I have practiced in the field for more than twelve years and have handled several high profile class action employment cases, as well

as a number of individual claims. In addition, I have written and spoken extensively on class and collective actions at conferences sponsored by, among others, the Practicing Law Institute ("PLI"), the American Bar Association, and the National Employment Lawyers Association. I am also the President of NELA/NY and a member of NELA's Class and Collective Action Committee.

8. My current rate is \$560 per hour, which is an hourly rate our firm has received from courts in cases arising in this Circuit. As a civil rights litigator who works almost exclusively on a contingent fee basis, I believe it is extremely important for civil rights attorneys to be compensated at full market rates for their time. Firms such as my own, and Beranbaum Menken, which devote substantial parts of their practice to civil rights litigation, must be fairly compensated at these rates in order to ensure that high-quality representation in these critical areas of the law remain available. The hourly rates sought by the Beranbaum Menken firm are appropriate, consistent with the market rate in this District, and should be awarded.

9. I declare under the penalty of perjury that the foregoing is true and correct.

Dated: October 19, 2010
New York, New York


DARNLEY D. STEWART